

**From:** Randy Kramer  
**To:** Microsoft ATR  
**Date:** 1/21/02 6:33pm  
**Subject:** Microsoft Settlement -- I am not in favor, the penalties are not sufficient

Ladies and Gentlemen,

I am not in favor of the proposed settlement in the Microsoft case.  
Among other things, I believe that the penalties are insufficient.

Microsoft has developed a monopoly position in the software market, and it has accomplished some of this using methods that violate the antitrust laws or fair business practices.

Companies have gone out-of-business or been severely hurt by their tactics, and other companies have never started.

The penalties against Microsoft must be strong enough to reverse this trend in the industry, to give other companies or initiatives a chance to survive without fear of being driven out of business by unfair Microsoft tactics. And, as in the case of civil rights, redress must be made for past wrongs.

I do not believe the proposed penalties are anywhere near sufficient, and will, in fact, allow Microsoft to perpetuate and expand their monopoly position.

Microsoft should not be allowed to pay their penalty by supplying copies of their own software -- this is like giving them a license to print money -- they can produce copies of their software at a very low marginal cost compared to the retail "value".

In addition, allowing them to put this software in schools where it exposes the next generation to the current ubiquitousness of Microsoft software is like giving them free advertising to perpetuate their monopoly.

The penalty should be in terms of hard cash, or real hardware purchased from non-related companies, with no chance of associated sweetheart deals. In fact, the hardware should only be supplied without an installed operating system, or with a non-Microsoft operating system, by a company (or companies) that make a commitment to make the same products (without an installed operating system) available for sale to the general public.

Furthermore, the proposed amount of the fine, \$1.1 billion dollars, is a pittance for a company where one owner of the company has amassed a fortune approaching \$50 billion dollars, some as a result of the unfair business practices.

Some people might be anxious to settle this case quickly, partly as a result of the events of September 11, 2001. I would like to see it settled quickly also, but not at the expense of failing to accomplish the objectives of the case, or providing adequate penalties to redress the wrongs that have occurred and make a more competitive climate in the industry.

I believe our government, country, and people are strong -- we can multitask -- this case can be prosecuted to the extent necessary without diluting the effort to stop terrorism.

Sincerely,  
Randolph H. Kramer